



ONTARIO
DEPARTMENT OF JUSTICE

NEW PROCEDURES
With Respect to "Investigations and Reports"
In Divorce Proceedings



THE OFFICIAL GUARDIAN

Ontario, Dept. of Justice.

[General publications]

[6-5] New procedures with respect to investigations and reports in divorce proceedings.

*CA 28N
AJ
-72N26*

**NEW PROCEDURES UNDER SECTION 6
OF THE MATRIMONIAL CAUSES ACT**

1. Solicitors will serve the Official Guardian with Notice of Petition and Petition for Divorce.
2. The Official Guardian will mail a questionnaire to both parties along with self-addressed stamped envelopes and ask for a reply within 15 days from the date of the covering letters.
3. The Official Guardian, through a staff of social workers, will analyse the completed questionnaires and then decide upon the basis of information contained therein whether further investigation is required.
4. If one party fails to reply the Official Guardian will send out a registered letter or will contact his or her solicitor as the case may be.
5. If further information is required, the Official Guardian will ask for an office interview or more written information.
6. If the respondent replies and the Official Guardian feels that the information provided by both parties shows that the children were being adequately cared for, the Official Guardian will file a report stating that he has carried out an investigation and finds that there are no problems as to custody, maintenance, access or education.
7. If the respondent fails to reply to the questionnaire and the subsequent registered letter, the Official Guardian will then file a report based on the information received from the petitioner stating that he has conducted an investigation and has found that there are no problems as to custody, maintenance, access or education and that the respondent has failed to co-operate.
8. If upon studying the replies to the questionnaire the Official Guardian feels that there are doubts about the welfare of the children with or without the benefit of the respondent's reply, the Official Guardian may contact either party for further information if necessary and if he is still not satisfied he may initiate an investigation through the Children's Aid Society or any other means he may choose.
9. The report of the Official Guardian, in whatever form it is submitted, will be served on the petitioner's solicitor who will then serve the respondent and either party will be free to dispute the report.
10. The costs of any report of the Official Guardian will be borne by the parties.



ONTARIO
DEPARTMENT OF JUSTICE

THE OFFICIAL GUARDIAN

123 EDWARD ST., TORONTO 101

TELEPHONE

Dear Sir or Madam:

RE:

_____ CASE NO.:

As you are aware, you are a party in a petition for divorce.

By law in Ontario, in every petition for divorce where there are children of the marriage who are not self-supporting, the Court requires a Report from me concerning the present situation and future plans for the children's custody.

Enclosed you will find two sets of my usual forms. Would you kindly complete this questionnaire to the best of your ability and sign where indicated. Would you then please return one set of the forms to my office and you may keep the second copy for reference.

You are required by law to complete the questionnaire and accordingly would you please return it within 15 days of the date of this letter in the envelope enclosed herewith for such purpose.

Yours very truly,

EDWIN M. HENRY, Q.C.,
OFFICIAL GUARDIAN

Per:

(MRS.) E. C. PURVIS,
COUNSEL, MATRIMONIAL CAUSES.

ECP;

Encl.

**QUESTIONNAIRE OF
THE OFFICIAL GUARDIAN**

CASE NAME:

NUMBER: _____

1. ARE YOU CLAIMING CUSTODY of any or all children of this marriage?

2. IF YOU NOW HAVE CUSTODY, how is the child(ren) being maintained?


3. (a) IF THERE ARE MAINTENANCE PAYMENTS from other spouse, what are they?

Are they regular?

Are they adequate?
- (b) IF YOU ARE MAKING MAINTENANCE PAYMENTS, what are they?

4. IF YOU ARE CLAIMING CUSTODY, what are your financial plans for maintaining the child(ren) including any assistance which you might expect from your family (parents, etc.) if necessary?

5. IF YOU ARE NOT CLAIMING CUSTODY and the children do not reside with you, are you supporting them or contributing to their support?



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6. Give names and birthdates of children as set out in Petition for Divorce. State where and with whom each child now resides and where and with whom they have resided over the past year. DESCRIBE EACH CHILD touching on the following matters:

(1) physical problems, if any

(2) emotional problems, if any

(3) school grades and progress reports

(4) further information that would be helpful in regard to the child(ren's) future welfare

7. (a) LIST ANY COURT PROCEEDINGS affecting the child or children or petitioner or respondent and the results thereof.

8. HAVE YOU EVER CONSULTED ANY SOCIAL WELFARE AGENCY or qualified person for counselling or guidance concerning the child(ren)? If so, give particulars.

9. HOME CONDITIONS AND ENVIRONMENT

(Please complete this page only if you are requesting custody or have custody.)

(As proposed by — Petitioner/Respondent)

For
Name(s) of child(ren)

Address of proposed home:

DESCRIBE HOME including type of neighborhood (residential, rural or commercial), size of home, number of occupants (identify by giving their relationship to each other and to the child or children), approximate distance travelled to school by child(ren) — just state if it is walking distance or by bus or if other transportation is required. Who looks after child(ren) during day? If other than parent, give person's age, health, temperament, etc., and ability to supervise child(ren). Please outline how child(ren) and persons in the home get along or if the child(ren) not there now, state if there are any children of the same age group in the home or nearby.

10. IF YOU ARE CLAIMING CUSTODY, give particulars concerning yourself including age, religious denomination, health problems, if any, (both physical and mental), education, present occupation, list of former employers, a concise statement of what you feel was the general cause of the marriage failure, your plans for remarriage, if any, and if so, a brief outline of your future partner. Also a statement of your relationship with your child(ren) and if you do not have custody, an outline of existing visiting privileges with the child(ren) and what visiting privileges you would wish in the future. Kindly include any further information you may wish to divulge.

11. Please state whether you are at present living with another person who acts as Father/Mother to your child(ren) in your home. If yes, give a brief description of this person.

12. Please complete Financial Statement hereto attached.

I HEREBY CERTIFY THAT THE INFORMATION SET FORTH IN THIS QUESTIONNAIRE IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED AT this day of, 19.....

.....
(Signature)

FINANCIAL STATEMENT

INCOME

(by Week or Month)

Employment \$.....

Other sources \$.....

(Itemize)

.....\$.....

..... \$.....

..... \$.....

..... \$.....

TOTAL \$.....

Net income or deficit \$.....

APPROXIMATE EXPENSES

(by Week or Month)

Rent \$.....

Food \$.....

Clothing \$.....

Medical and Dental \$.....

Payment on Bills \$.....

Payment to Spouse \$.....

Miscellaneous \$.....

TOTAL \$.....

..... \$

ASSETS

Cash in bank \$.....

Bonds and Shares	\$.....
------------------------	---------

Real Estate \$.....

Furnishings \$.....

Automobile \$.....

Other \$.....

TOTAL \$.....

Net Assets or Liabilities \$.....

LIABILITIES (Debts)

..... \$

..... \$

.....\$.....

[illegible]

..... \$

..... \$

TOTAL \$.....

(Deduct from Assets)

.....\$.....

In The Supreme Court of Ontario

Between

PETITIONER

AND

RESPONDENT(S)

REPORT OF THE OFFICIAL GUARDIAN

1. The Petition for Divorce discloses that the hereinafter mentioned child(ren) are child(ren) of the marriage:
2. The Official Guardian has carried out an investigation in this matter and found that there are no problems relating to custody, maintenance, access or education of any of the above named child(ren).

DATED at Toronto, this day of, 19.....

THE OFFICIAL GUARDIAN,
123 Edward Street,
TORONTO 101, Ontario.

In The Supreme Court of Ontario

Between

PETITIONER

AND

RESPONDENT(S)

REPORT OF THE OFFICIAL GUARDIAN

1. The Petition for Divorce discloses that the hereinafter mentioned child(ren) are child(ren) of the marriage:

- * 2. The Official Guardian has contacted the petitioner. The respondent spouse has failed to reply to registered mail. From the information received from the petitioner, there are no problems relating to custody, maintenance, access or education of the above named child(ren).

DATED at Toronto, this day of, 19.....

* This form of Report is subject to change where appropriate.

THE OFFICIAL GUARDIAN,
123 Edward Street,
TORONTO 101, Ontario.

In The Supreme Court of Ontario

Between

PETITIONER

AND

RESPONDENT(S)

REPORT OF THE OFFICIAL GUARDIAN

1. The Petition for Divorce discloses that the hereinafter mentioned child(ren) are child(ren) of the marriage:
2. The Official Guardian has carried out an investigation in this matter and found that there are problems relating to the welfare of the above named child(ren) and a further investigation was initiated. A copy of the resulting report is attached hereto.

DATED at Toronto, this day of, 19.....

THE OFFICIAL GUARDIAN,
123 Edward Street,
TORONTO 101, Ontario.

In The Supreme Court of Ontario

Between

PETITIONER

AND

RESPONDENT(S)

REPORT OF THE OFFICIAL GUARDIAN

1. The Petition for Divorce discloses that the hereinafter mentioned child(ren) are child(ren) of the marriage:
2. The respondent spouse has filed a Counter-Petition for custody and the Official Guardian has carried out an investigation and prepared a full report concerning the welfare of the child(ren), a copy of which is attached.

DATED at Toronto, this day of, 19.....

THE OFFICIAL GUARDIAN,
123 Edward Street,
TORONTO 101, Ontario.

In The Supreme Court of Ontario

PETITIONER

VS

RESPONDENT(S)

REPORT OF OFFICIAL GUARDIAN

Service hereof admitted inclusive of four copies
this
day of, 19.....

Petitioner's Solicitor(s)

OFFICIAL GUARDIAN
123 Edward Street
TORONTO, Ontario



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